

REMARKS/ARGUMENTS

Claims 1-3, 5-12, 14-15, and 18-26 are pending and stand rejected.

Claim 1, 5, 20-22, and 26 are objected to based upon minor informalities.

Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over United States Patent 4,999,766 to Peters et al. (hereinafter "Peters") in view of United States Patent Application Publication US 2003/0192040 to Vaughan.

Claims 2, 3, 5-12, 14-15, and 18-26 are rejected under 35 U.S.C. 103 as being unpatentable over Peters in view of Vaughan and further in view of United States Patent Application Publication US 2002/0163910 to Wisner et al. (hereinafter "Wisner").

Claims 1, 5-9, 12, 15, 18, 20-24, and 26 are amended. Claim 14 is canceled. New claims 29-33 are added. Support for the new and amended claims can be found throughout the application. Among other places, support can be found in Figures 1, 2, 3, and 9 and their corresponding descriptions. Paragraphs [0042] and [0044] also provide support. No new matter has been added.

The Examiner has rejected each of the independent claims over a combination of Peters, Vaughan and Wisner. As discussed below, Applicant respectfully submits that none of these references, alone or in combination, discloses each and every element recited in the claims. In particular, Peters in view of Vaughan does not teach or suggest the use of profile information by two data storage systems as claimed. Wisner does not cure their deficiencies and does not supply the claimed interest metrics or the further limitations of the dependent claims.

Claim Objections

Applicant has amended the claims to correct the informalities identified by the Examiner. While the objection to the term "its" is not fully understood, it is believed that the substance of the objections has been addressed by the amendments. Accordingly, withdrawal of the claim objections is respectfully requested.

Rejections under Section 103

A. Claim 1

Claim 1 recites a method for distributing data among a plurality of data storage systems. The method comprises "producing profile information for a first data object...communicating said profile information from the first data storage system to at least one second data storage system." The method further comprises "calculating an interest metric at each of said at least one second data storage systems based on said profile information...communicating said interest metrics from each of said at least one second data storage systems to the first data storage system." The method also comprises "selecting at least one target second data storage system at the first data storage system based upon the interest metrics; and copying said first data object to each target second data storage system." Applicant respectfully submits that Peters in view of Vaughan and further in view of Wisner does not teach or suggest at least the foregoing.

Peters discusses a workstation computer which transfers files selected by a user to and from host computers. See, Peters at col. 4, lines 18-22. This is accomplished by using profile information at the workstation computer to specify a set of default file transfer options so that transfers can be accomplished without regard to the particular operating systems involved. See, Peters at col. 4, lines 51-56. Peters indicates that the user selects the files that are to be transferred and that the default options are presented to the user via a display screen. See, Peters at col. 13, lines 1-34.

Peters' file transfer system is thus completely different from the claimed invention. First, as acknowledged by the Examiner, Peters does not communicate the profile information from the workstation computer to a second computer system. See, Office Action at page 3. Since Peters does not mention communicating profile information to other computers, it follows that Peters does not teach or suggest that other computers use such profile information to calculate interest metrics, or that other computers send interest metrics back to the workstation computer. Peters similarly fails to teach or suggest that the workstation computer uses interest metrics from other computers to select host systems to receive a particular file or data object.

This is done by user input and does not involve either profiles or interest metrics. In short, Peters simply discloses a display-driven file transfer application that simplifies the process performed by a user to copy files between different operating systems.

Vaughan does not cure Peters' deficiencies. The Examiner cites paragraph [0007] of Vaughan as disclosing the step of communicating profile information to a second computer. See, Office Action at page 3. Applicant respectfully disagrees. Vaughan discusses a "software obtaining system" which automates the installation of compatible software on a target device. After the target system has been analyzed, a request for software is sent from the target device to a centralized resource. See, Vaughan at [0015]. Based upon the request, the centralized resource identifies particular software for download to the target device. See, Vaughan at [0016].

Thus, Vaughan's "profile information" is part of a request for software generated by the target device. This is different from the claimed invention in at least two respects. First, Vaughan's profile includes information about the target device that is used to select compatible software. It is not content-based information derived from a data object. Second, Vaughan communicates the profile from the target device to the central resource. Vaughan's profile is therefore not communicated from the location where the software (data object) is stored to the target device. Rather, it is communicated from the target device to the storage location. This is exactly the opposite of what is claimed.

Since neither Peters nor Vaughan teach or suggest that profile information about a data object is communicated from a first data storage system at which the data object is stored to at least one second data storage system, the combined references do not render the claimed invention unpatentable. Applicant respectfully submits that Peters in view of Vaughan does not teach or suggest "producing profile information for a first data object that is stored in a first data storage system...communicating said profile information from the first data storage system to at least one second data storage system."

Going further, neither Peters nor Vaughan disclose that a second data storage system calculates an interest metric based upon the profile information and communicates the interest metric to a first data storage system from which the profile information is received. The combination of references does not teach or suggest communicating profile information from a

first data storage system to a second data storage system, calculating an interest metric based upon profile information at the second data storage system, or communicating the interest metric from the second data storage system to the first data storage system.

Wisner is mentioned in the rejection of claim 6 as teaching the claimed interest metrics. See, Office Action at page 6 (citing Wisner at [0024]). Applicant respectfully disagrees. Wisner discloses a switching architecture in which a director element 106 distributes user login requests among active data centers. See, Wisner at Figure 1. It is respectfully submitted that Wisner's login redirection has nothing to do with the claimed interest metrics. Wisner's login requests are not related to a particular data object and they are not calculated in response to profile information about a data object. Moreover, Wisner's login requests are not used to select a target data storage system and data objects are not copied based upon the login requests.

Accordingly, Applicant submits that the extended combination of Peters, Vaughan, and Wisner does not teach or suggest "calculating interest metrics at each of said at least one second data systems based on said profile information and on selection criteria maintained at said each of said at least one second data storage systems; communicating said interest metrics from each of the at least one second data storage systems to the first data storage system; selecting at least one target second data storage system at the first data storage system based upon the interest metrics; and copying said first data object to each target second data storage system."

B. Claims 12, 18, 20, 24

Independent claims 12, 18, 20, and 24 are each rejected over Peters in view of Vaughan and further in view of Wisner. Each independent claim recites elements not found in the extended combination as identified in connection with claim 1. Accordingly, each independent claim is believed allowable over the cited references for some or all of the reasons previously provided. Reconsideration and allowance of claims 1, 12, 18, 20, and 24 is respectfully requested.

C. Claims 2-3, 5-8; 15; 9-11, 19; 21-23; 25-26

Claim 2-3 and 5-8 depend from claim 1. Claim 15 depends from 12. Claims 9-11 and 19 depend from claim 18. Claims 21-23 and 25-25 depend from claims 20 and 24, respectively. Each dependent claim is believed allowable over the cited references for at least the reason that it depends from an allowable base claim as well as being allowable based upon its additional limitations.

D. New claims 29-33

New claims 29-33 recite features not found in the cited references and are therefore believed to be in condition for immediate allowance. Regarding claim 29, Peters, Vaughan, and Wisner do not disclose the profile/interest information/interest metric elements or their relation to first and second data storage systems as claimed. Regarding claim 30, none of the cited references discloses a directory server. Finally, with regard to claims 31-33, none of the cited references discloses updating metadata. Accordingly, reconsideration and allowance of all pending claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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